

**MEMO ENDORSED.**

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April 28, 2025

VIA E.C.F.

Honorable Ona T. Wang
Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Ferera v. the City of New York, et al.
24-CV-3911 (AT) (OTW)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and the attorney representing the City of New York and Officers Vegamorales, Florain, Rivera, and Martinez in the above captioned matter. Defendants write on behalf of the parties to respectfully request an extension of time to file a Motion for Summary Judgment while the pending Motion to Dismiss and Motion for Summary Judgment are decided. This is parties' first request for an extension of time to file a Motion for Summary Judgment.

By way of background, Plaintiff filed the complaint on May 21, 2024. ECF No. 1. On September 27, 2024, Plaintiff filed an Amended Complaint. ECF No. 20. Plaintiff alleges that he was improperly arrested in his home based on a false allegation that he had assaulted a hair stylist and that in the process of his in-home arrest, one NYPD officer used excessive force when he pointed his gun at Plaintiff. Plaintiff also alleges an Equal Protection violation relating to the pointing of the gun at him. Discovery has been ongoing, and depositions concluded on April 15, 2025.¹ No expert discovery is anticipated. Fact Discovery is set to close on April 25, 2025, and Expert Discovery, if any, is set to close on May 19, 2025.

Pursuant to Your Honor's Individual Rule VIII, a Joint Pretrial Order would be due June 18, 2025. Currently, there are two motions pending before the Court—Plaintiff's pending Motion for Partial Summary Judgment and Defendants' pending Motion to Dismiss. *See* ECF Nos. 43

¹ The only outstanding document discovery pending is Plaintiff's request for the deposed officers' activity logs. Defendants are in the process of searching for the activity logs.

and 48. Both parties intend to file Motions for Summary Judgment on any remaining claims after the motions are decided, if the motions are not fully dispositive. Further, the parties may revisit settlement after the pending motions are decided and would like the opportunity to notify the Court at that point whether a settlement conference would be helpful.

In light of the parties' intentions, the parties jointly request that the deadline to request settlement conference be extended to 30 days after the motions are decided. Further, the parties request that the deadline to submit a Joint Pretrial Order be extended to 30 days after the parties notify the Court whether a settlement conference will be helpful. The proposed extension of time to file a Motion for Summary Judgment will allow the parties to comply fully with Your Honor's rules.

Accordingly, the parties respectfully request an extension of an extension of time to file a Motion for Summary Judgment until after the pending motions have been decided. Specifically, the parties request that the deadline to request a settlement conference be extended to 30 days after the motions are decided and that the deadline to submit a Joint Pretrial Order be extended to 30 days after the parties notify the Court regarding their intention to engage in a settlement conference.

The parties thank the Court for its time and consideration herein.

Respectfully submitted,

/s/ Jessica M. Ochoa

Jessica Ochoa

Assistant Corporation Counsel

cc: **By ECF**

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Attorney for Plaintiff

Application **GRANTED IN PART**. The parties will file a proposed briefing schedule for Defendants' motion for summary judgment by **Friday, May 30, 2025**. The Court will so-order the schedule without prejudice to further extensions if the pending motions seeking dismissal and summary judgment are not decided by then. The parties' letter should also indicate whether they believe settlement discussions would be productive, and, if so, propose three dates in June when counsel is available for a preliminary settlement conference call.

SO ORDERED.



Ona T. Wang
U.S.M.J.

Apr. 29, 2025